

REMARKS

The application has been amended and is believed to be in condition for allowance.

As an initial matter, the undersigned appreciates with thanks the Examiner taking time to discuss this matter in several telephone interviews between March 4 and March 12, 2009, for which an Interview Summary was posted on March 12, 2009.

Based on the telephonic interviews and the Interview Summary, Applicant understands that independent claims 17 and 21 are novel and non-obvious over the references cited in the Office Action of December 24, 2008, but that independent claims 23 remains rejected. Accordingly, it is respectfully submitted that claims 17 and 21, and claims depending therefrom, are in allowable condition.

Amendments to the Disclosure

Claim 23 is amended to further distinguish over the prior art. No new matter is introduced by way of this amendment.

Substantive Issues - Section 102

The Official Action rejected claim 17-30 and 32-36 under 35 USC 102(b) as being anticipated by Hickman (US 1,225,955; "HICKMAN").

Claims 17-25 and 27-36 are rejected under 35 USC 102(b) as being anticipated by Burki (3,732,589; "BURKI").

In response, it is respectfully submitted that independent claims 17 and 21 are in allowable condition, based on the telephonic interview with the Examiner described above, and the Interview Summary posted March 12, 2009.

As to claim 23, it is firstly noted that claim 23 has been amended. It is respectfully submitted that HICKMAN fails to teach a handle mounted pivotably on no more than one external wall, and further that the handle is pivotably moveable in a plane perpendicular to a plane of the external wall.

On the contrary, HICKMAN teaches a toothbrush where the handle (A) is mounted on the brushing head (8) at two separate points, namely through the arms (3) and (4) which are attached to a tubular stud (6) extending through the brushing head (8) (see, e.g., Figure 1).

It is therefore respectfully submitted that HICKMAN does not anticipate claim 23, and accordingly, claims 23 and claims depending therefrom are patentable over HICKMAN.

Further as to claim 23, it is respectfully submitted that BURKI fails to teach the handle being pivotably moveable in a plane perpendicular to a plane of the external wall.

On the contrary, BURKI clearly teaches the handle rotates on itself, the rotation movement being parallel to the plane of the external wall (see Figure 1).

As this teaching fails to teach a perpendicular movement as required by claim 23, it is respectfully submitted that claim 23, and claims depending therefrom, are not anticipated by BURKI.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the December 24, 2008 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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